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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,014	04/17/2001	Robert Veilleux	186.013US1	7009
21186 7590 08/02/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER LAUX, JESSICA L	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 08/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/836,014	Applicant(s) VEILLEUX ET AL.	
	Examiner Jessica Laux	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/19/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Acknowledgment is made of the amendment filed 04/19/2007.

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.-

Claims 1, 4, 6, 9-11 and 14-16, are rejected under 35 U.S.C. 102(b) as being anticipated by Veillieux et al (5664393).

Regarding claims 1 and 15: The '393 patent discloses a structural wooden joist comprising:

- a) an elongated lower chord (14);
- b) an elongated upper chord (12) in a spaced apart generally parallel opposed relation to said lower chord, the elongated lower chord and the elongated upper chord in substantially parallel planes (where the figure is rotated 180 degrees); and
- c) an openwork web structure (comprised of elements 16) joining said chords; said web structure comprising a series of connector members (element 16) formed of inclined branches and adhesively secured to said lower and upper chords (Col. 1, lines 42-43);

each said inclined branch of said connector members being formed of at least two planks (figure 3) each having a rectangular cross-section consisting of opposite side faces and opposite side edges and having adjacent side edges adhesively joined to one another (Col. 2, lines 17-22);

said connector members forming V-shaped structural elements (where each V-shaped element is comprised of two connector members, 16) wherein each plank of a V-shaped structural element is joined at said lower chord to form a single connection therewith (see annotated figure below, A) and two connections to said upper chord (see annotated figure below, B);

said structural elements defining a series of triangular openings (figure 1) in said web structure, the adjacent side edges of the at least two planks defining a plane crossing the substantially parallel planes of the elongated lower chord and the elongated upper chord at an angle other than substantially perpendicular, wherein the branches of a V-shaped structural element each have a first surface against the lower chord (see annotated figure below, A), and are joined by second surfaces against one another and generally transverse to the substantially parallel planes of the chords (see annotated figure below, C);

said structural elements defining a series of triangular openings in said web structure (figure 1).

Regarding claim 4: A structural wooden joist as defined in claim 1, wherein said connector members of said web structure have upper and lower edges secured to said chords by finger joints (figure 2).

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Regarding claim 6: A wooden structural joist as defined in claim 1, wherein said web structure further includes a central region free of connector members (figure 1).

Regarding claims 9-11: 9. A structural wooden joist as defined in claim 1, wherein said planks are made of kiln dry wood and said wood is selected from the group including fir, spruce and pine, wherein fibres in said planks extend in the longitudinal direction of said planks (Col. 1, lines 47-48).

Regarding claim 14: The '393 patent discloses a structural wooden joist, comprising:

- a first elongate chord (12 or 14);
- a second elongate chord (12 or 14) spaced apart from the first chord;
- a web structure (elements 16) joining the first chord and the second chord and forming openings between the first chord and the second chord (figure 1), the web structure including a series of V-shaped arrangements (where a set of two elements 16 forms a V-shape) comprising two connector members (the two elements 16), each connector member comprising a first plank and a second plank, the first plank having a first side, a first end, and a second end, second plank having a second side, a third end and a fourth end, the first side being adhesively secured to the second side, the first and third ends being adhesively secured to the first chord, and the second and fourth ends being adhesively secured to second chord (Col. 1, lines 39-48, where the scarfing includes adhesive Col. 2, lines 49-54).

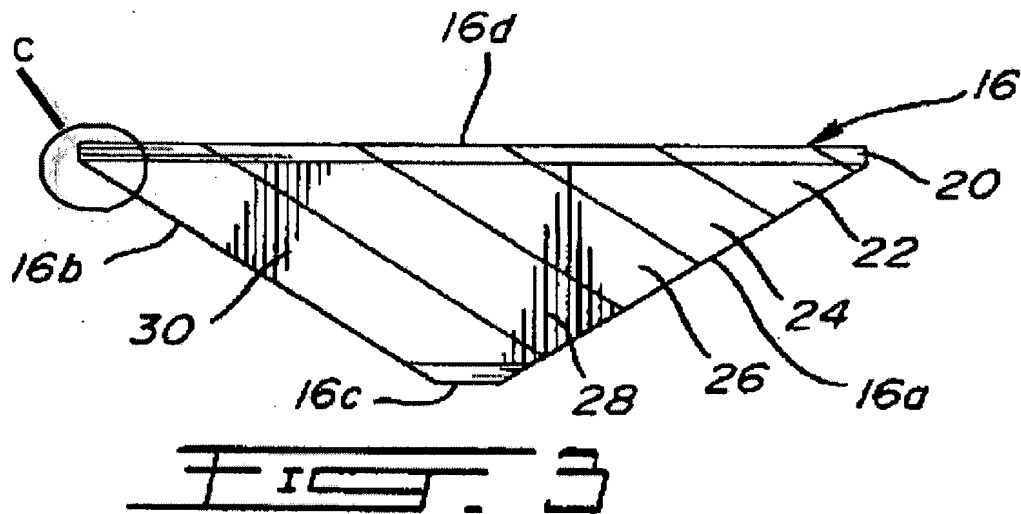
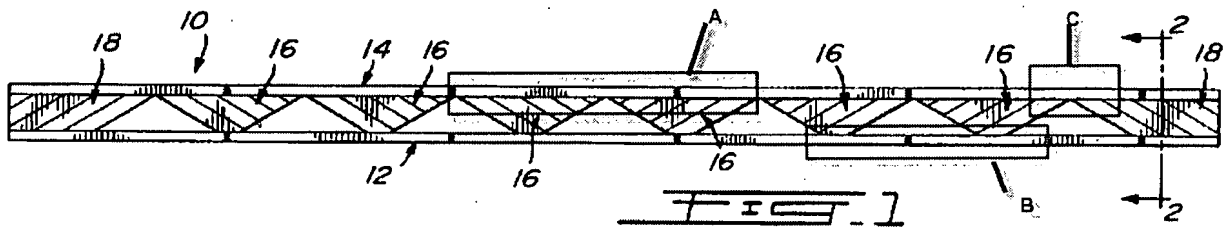
Regarding claim 16: The '393 patent discloses a structural wooden joist as defined in claim 15, wherein each said inclined branch is formed of at least two planks,

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each having a rectangular cross-section consisting of opposite side faces and opposite side edges and having adjacent side edges adhesively joined to one another (Col. 1, lines 39-46),

wherein each plank of the V-shaped structural element is joined at said lower chord (14, when the truss is rotated 180 degrees) to form a single connection therewith (see A in the figure below) and two connections to said upper cord (see B in the figure below), the adjacent side edges of the at least two planks defining a plane crossing the substantially parallel planes of the elongated lower chord and the elongated upper chord at an angle other than substantially perpendicular (figure 1).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veilleux et al (5664393).

Regarding claim 2: '393 discloses the structural wooden joist as defined in claim 1, wherein each said opposite ends of said web structure displays a laminated panel (18) and secured edgewise to one another and having upper and lower sides thereof adhesively joined to said upper and lower chords. '393 does not disclose that the laminated panels extend vertically, however applicant has not disclosed in the specification that the claimed limitation provides an advantage, is used for a particular reason or solves a stated problem. Furthermore it would have been obvious to one of ordinary skill in the art to use a laminated beam having vertically extending planks as such a beam is common and well known in the art and therefore easily obtained.

Regarding claim 5: A structural wooden joist as defined in claim 2, wherein said planks of said connector members and of said laminated panels are glued edgewise to one another (Col. 1, lines 45-46 and Col. 2, lines 30-39).

Regarding claims 12-13: '393 discloses the structural wooden joist as defined in claim 1, where the connector members extend preferably at an angle of 30 degrees but may vary with the height of the joist (Col. 2, lines 40-43), but does not expressly address the height of the joist (having a height of about 9.25 or 11.25 inches) or that the connector members extend at 35 or 42 degrees (respectively). However, applicant has not disclosed that the claimed limitation provides an advantage, is used for a particular purpose or solves a stated problem. Rather applicant discloses in the specification that the angle may vary according to the height of the joist. Moreover, it appears that the

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truss of '393, or applicant's invention, would perform equally well with the any height and connector member angle combination.

Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified '393 such the height and connector member angle combination to be as claimed because such a modification would have been considered a mere design consideration which fails to patentably distinguish over '393.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Veilleux et al (5664393) in view of Hershey (5867963).

Regarding claim 3: '393 discloses the structural wooden joist as defined in claim 2, where said web structure is adhesively joined to the chords (Col. 2, lines 56-61, where the scarfing includes an adhesive).

'393 does not expressly disclose that each said connector member at each opposite end of said web structure is adhesively joined to an innermost plank of said laminated panel. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to secure the web structure to the laminated panel (via adhesive as '393 has already disclosed such a securing means to be known in the art) as it is common and well known to securing the end web member to the end panel structure (reference US Patent 5867963 to Hershey) as such a modification would provide for a stronger more securing structure.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 6:30am to 2:30pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/J. CHAPMAN/
PRIMARY EXAMINER
ART UNIT 3635

JL
07/18/2007